

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 6, 2008



Conditional Use Permit CU 08-13: ROG Bldg. 8, Inc.

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow multi-family residential use on property in an Office (C-1) zoning district

LOCATION: 0.826 acres of vacant land adjoining the south side of Carter Creek Parkway between East 29th Street and Briar Oaks Drive, being Lot 4 of the Royal Oaks Gardens Subdivision in Bryan, Brazos County, Texas

ZONING: Office District (C-1)

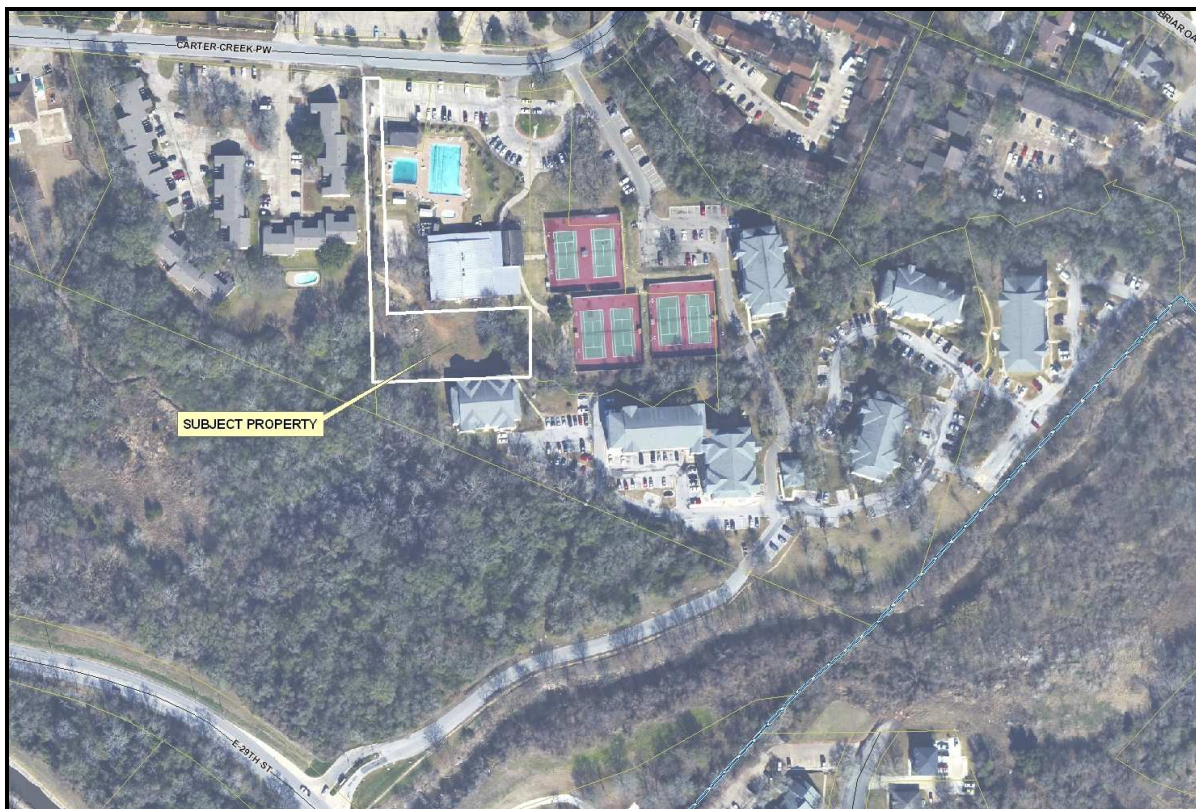
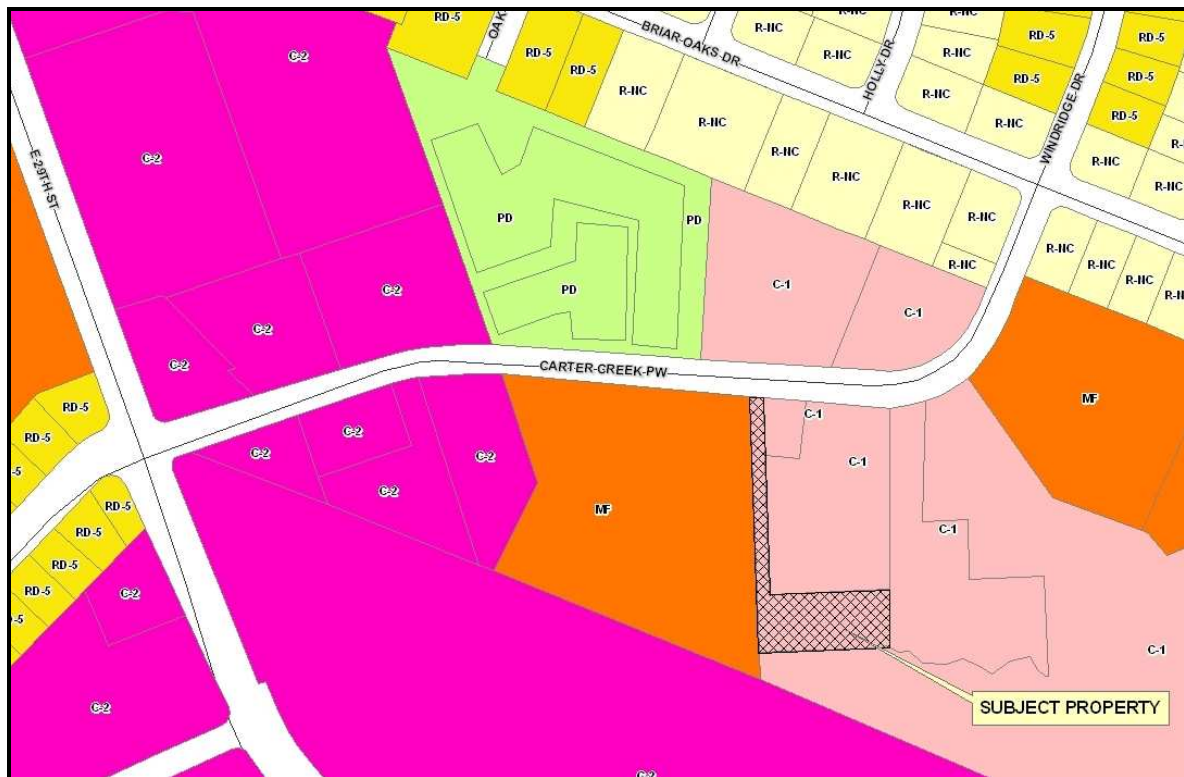
EXISTING LAND USE: vacant land

APPLICANT(S): Ramiro Galindo of ROG Bldg. 8, Inc.

STAFF CONTACT: Martin Zimmermann, Planning Administrator

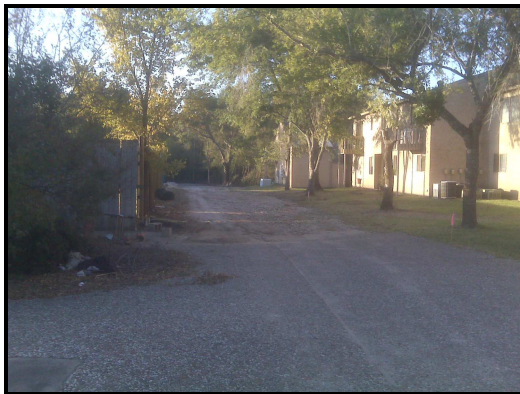
SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit, **subject to certain conditions**. Please see page seven of this report for a more detailed description of staff's recommendation.

LOCATION MAP AND AERIAL PHOTOGRAPHS:





PHOTOGRAPHS:





BACKGROUND:

The applicants, ROG Bldg. 8, Inc. desire to build a 24-unit apartment building on the subject property. The proposed building would be the eighth building in the Royal Oaks Gardens Apartment complex that adjoins the subject property to the south and is also owned by the applicants.

The subject property is zoned Office District (C-1), which allows an apartment development only with approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicants are requesting such a Conditional Use Permit to be able to build an apartment complex as shown on the site plan attached to this staff report.

As required by the Zoning Ordinance, with their application for approval of the Conditional Use Permit, the applicants submitted a site plan for review by the Site Development Review Committee (SDRC) on October 15, 2008. The SDRC provided comments regarding the applicants' site plan submission on October 22 and met with the applicants on October 29 to further discuss the proposed development. As this staff report is being written, some technical questions/issues regarding development of an apartment building on this property remain to be addressed, including parking lot access and layout and stormwater management issues.

At the applicants' request, the case was forwarded to the Planning and Zoning Commission for consideration, without an SDRC-approved site plan. If Commissioners are inclined to approve this request, staff urges that any such approval be made subject to the recommended conditions listed on page seven of this staff report. The conditions will help ensure that the new apartment building meets all applicable requirements for development.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

5.5. Land Use Policies

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are along collector or arterial streets mid-block, where appropriate.

Redevelopment and Infill Policies

Policy statements:

- Residential redevelopment and infill shall be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design.

Land Use Goal #1:

Achieve a balance of land uses within the city.

Land Use Goal #1, Objective A:

Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Physical development of this property is proposed to comply with the standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening and landscaping. Staff believes that applying the same standards that generally apply to MF-zoned properties in Bryan is appropriate for a new apartment building on this property development at this location, since apartments are allowed by right in MF zoning districts.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Properties to the south and east are developed with apartment buildings. Property to the north is occupied by health club facilities. Staff believes that a new apartment building on the subject property is appropriate in this particular environment given the existence of similar developments on adjacent tracts.

One of the issues staff is working with the applicants on is the layout of the proposed off-street parking area, which does not meet minimum city standards, as now proposed. However, staff believes that these issues can be resolved and do not impact the general appropriateness of an apartment building on this property.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff maintains that a new apartment development at this location would not create greater unfavorable effect or impacts on abutting properties than an office development allowed by right on this property without Conditional Use Permit approval.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff does not anticipate that a new apartment development at this location will generate any more traffic than what an office development could generate here. Staff believes that, so long as off-street parking will be provided in accordance with minimum requirements of the Land and Site Development Ordinance, vehicular and pedestrian circulation in this vicinity will not be negatively affected by this development.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

This property is located in the 100-year flood plain. Any new development on this property, including a new apartment building, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. Staff has advised the applicants of the requirement to submit appropriate documentation.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

The proposed site plan does not indicate the location of any proposed signage. With approval of this Conditional Use Permit, all signs would be subject to the standards and limitations on such signage that generally apply to properties zoned MF District. Staff is confident that these standards will prevent the installation of distracting signs in inappropriate locations on this property.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

As mentioned above, staff is currently working with the applicant to resolve issues related to off-street parking on this property. Staff is confident that these issues can be resolved and do not impact the general appropriateness of an apartment building on this property,

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Multi-family dwellings are potentially allowed in C-1 Districts, with approval of a Conditional Use Permit, as they may be appropriate in some, but not all Office zoning districts. Staff believes that, in this particular case, a new apartment building on the subject property will

result in a desirable arrangement of land uses in this vicinity which is almost fully developed with other apartment developments and health club facilities.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes that the proposed multiple-family use on the subject property will have few (if any) ill effects on properties or improvements in the vicinity. As mentioned above, most properties in the vicinity are also occupied by apartment buildings.

10. Whether the premises or structures are suitable for the proposed conditional use.

Staff believes that the premises are generally suitable for a new building, so long all applicable development standards are met.

RECOMMENDATION:

Staff **recommends approving** the requested Conditional Use Permit to allow multi-family residential use on the subject property, **subject to the following conditions:**

1. That multi-family residential use on the subject property shall generally conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening and landscaping.
2. That a site plan fulfilling all the technical requirements for development of a multiple-family residential dwelling on the subject property, including, but not limited to off-street parking and maneuvering areas and stormwater management, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.